

LAW OFFICES OF
PAAVOLA & PAAVOLA
ONE WILLOW STREET
ANNAPOLIS, MARYLAND 21401-3112

(410) 224-6563 (ANNAPOLIS)
(410) 841-6772 (BALTIMORE)
(410) 643-5583 (EASTERN SHORE)

SAMUEL H. PAAVOLA, P.A.
MATT M. PAAVOLA, P.A.

BALTIMORE COUNTY
2113 OREMS ROAD
BALTIMORE, MD 21220-4119
(410) 574-8000

October 21, 1994

William Nuttle
P.O. Box 371
Chestertown, MD 21620

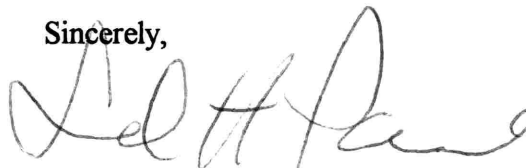
Re: Stephanie Tennyson/Chestertown Accident Site

Dear Mr. Nuttle:

The purpose of this letter is to confirm our telephone conversation of 10/20/94. I will meet you at the accident site in this case on 10/26/94 at 9:15 a.m. I will provide you with photographs of the hole location on that date. It is my understanding you will thereafter conduct a survey that will establish with certainty the property on which the hole was located at the time of the accident. Of course, I will be meeting with you on the strict understanding that you will promptly supply me with a copy of the survey immediately after it is completed.

Thanks very much for your cooperation in this matter.

Sincerely,



Samuel H. Paavola, Esquire

SHP/dlc

cc: Dawn C. Bourassa
Tennyson Family

C:\CLIENTS\TENNYSON.DOC

SCHAUBER

DESCRIPTION OF TWO PARCELS OF THE ROBERT F. SCHAUBER LANDS, CHESTERTOWN, KENT COUNTY, MD

PARCEL 1

Beginning for the same at an iron pipe on the southwest side of Md. Rte. 213, said point being the northernmost corner of the herein described lands and a corner for the lands of Harry P. Ross; and running, thence, by and with the southwest side of said road S 17 15 E - 110.00' to an iron pipe and a new division line between the herein described lands and other lands of Schauber (Parcel 2); thence, by and with said new division line S 71 02 30 W - 264.91' to an iron pipe and the lands of Harry Ross; thence, by and with said Ross lands N 48 45 E - 289.85' to the place of beginning. Containing in all 0.334 acres of land, more or less.

PARCEL 2

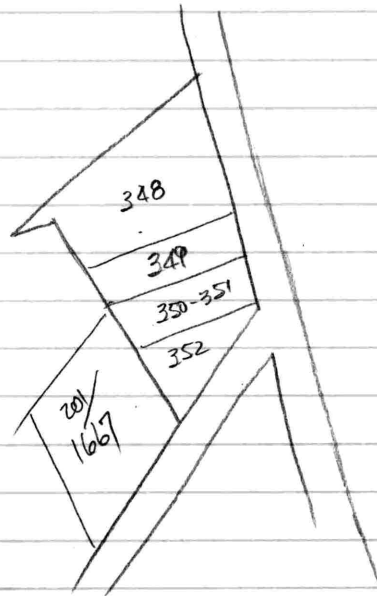
Beginning for the same at an iron pipe on the southwest side of Md. Rte. 213, said point being the easternmost corner of the herein described lands and the northernmost corner for the lands of Watkins Auto Supply, Inc.; and running, thence, by and with Watkins lands S 72 47 20 W - 265.85' to an iron pipe and the lands of Washington College; thence, by and with said college lands N 40 50 W - 120.10' to the lands of Harry P. Ross (Note: this point is N 48 45 E - 8.02' from a concrete monument marking a corner of the Ross lands); thence by and with said Ross lands N 48 45 E - 53.75' to an iron pipe and Parcel 1 of this description; thence, by and with Parcel 1 N 71 02 30 E - 264.91' to an iron pipe and Md. Rte. 213; thence, by and with the southwest side of said road S 17 15 E - 140.00' to the place of beginning. Containing in all 0.902 acres of land, more or less.

October 26, 1993.

William R. Nuttle.

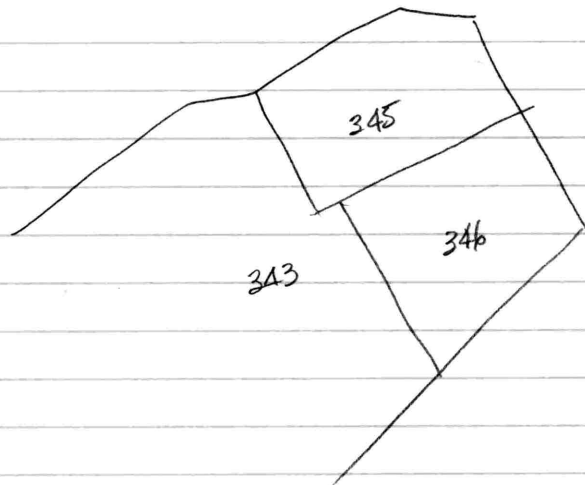
2

37-91 home
200.14 - 348
37-2D - 94



348- Schaubert, Robt. F. et al.
93/110
349- Watkins Auto Supply Inc.
WHG 12/563
1667- Co. Comm. WHG 22/608

MAP 204



345- Peoples Bank of Kent Co.
68/239
346- Harry P. Ross
85/307
343 Wash. Coll. 262/150
" 157

COPY

WILLIAM R. NUTTLE
Registered Surveyor
CHESTERTOWN, MD. 21620

May 16, 1994.

Mr. James P. Erickson
Old Guard Insurance Co.
P. O. Box 3010
Lancaster PA 17604-9962

Dear Mr. Erickson:

I went out to the Chauvenet property this morning to check out the location of the holes that you wanted me to look into. There are several slight depressions in that corner of the property that seem to lie right along the property line, but you would have to use your imagination to call them holes. The deepest depression in that area is where the water meter for the Watkins lot is, next to the short post in your photos. This is very definately not on the Chauvenet property. I do not know whether this helps you or not, but I just do not see anything that I would call a hole.

Sincerely yours,

Schauber- P2/110

Parcel 1 Begin pt. on side of rd (50') at NE end of dw.

Leaves with Smith & Powell 38' south of front water.

Q's res to Courneville and to Wellington

w/ w side rd. $S17^{\circ}15'E - 165$ to mon pin

6/ new line S 72° 45' W - 303.0 to Stecklin

at Jaisal N 40° 50' W. —
N 48° 45' E - 34

$N48^{\circ}45'E - 343.6$ to begin

0.682 acres

Parcel 2

Begin wide rd. (50') 20% from into Q's

w/ed. '517°15'E-85

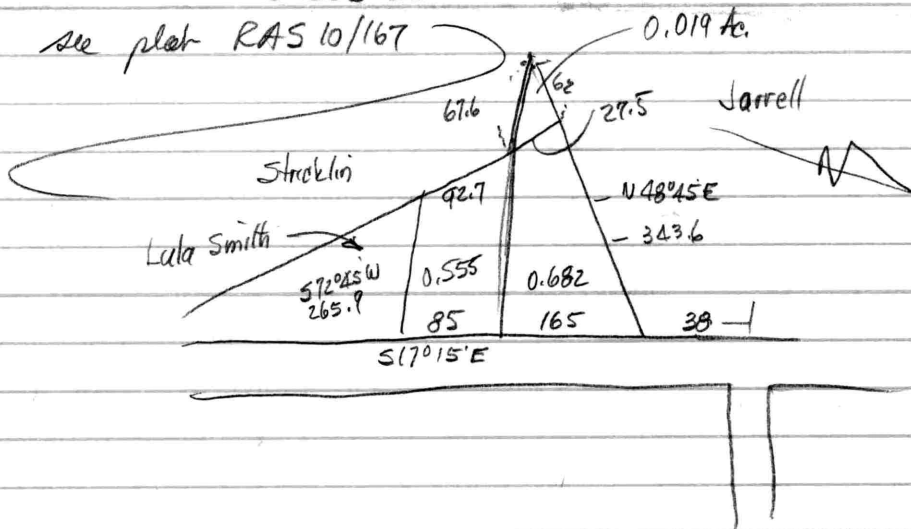
w/ new line $572^{\circ}45'W$ - 265.9 to truckline

als $N 40^{\circ} 50' W - 92.7$ to Schanler

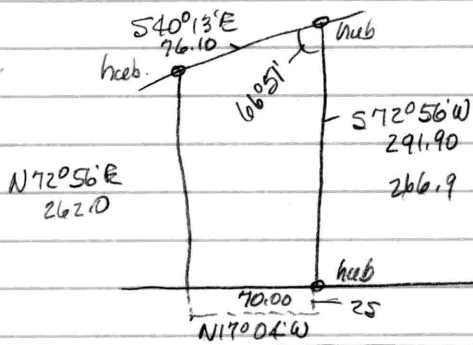
W/S N 72° 45' E - 303.0 to begin

0.555 ac. ±

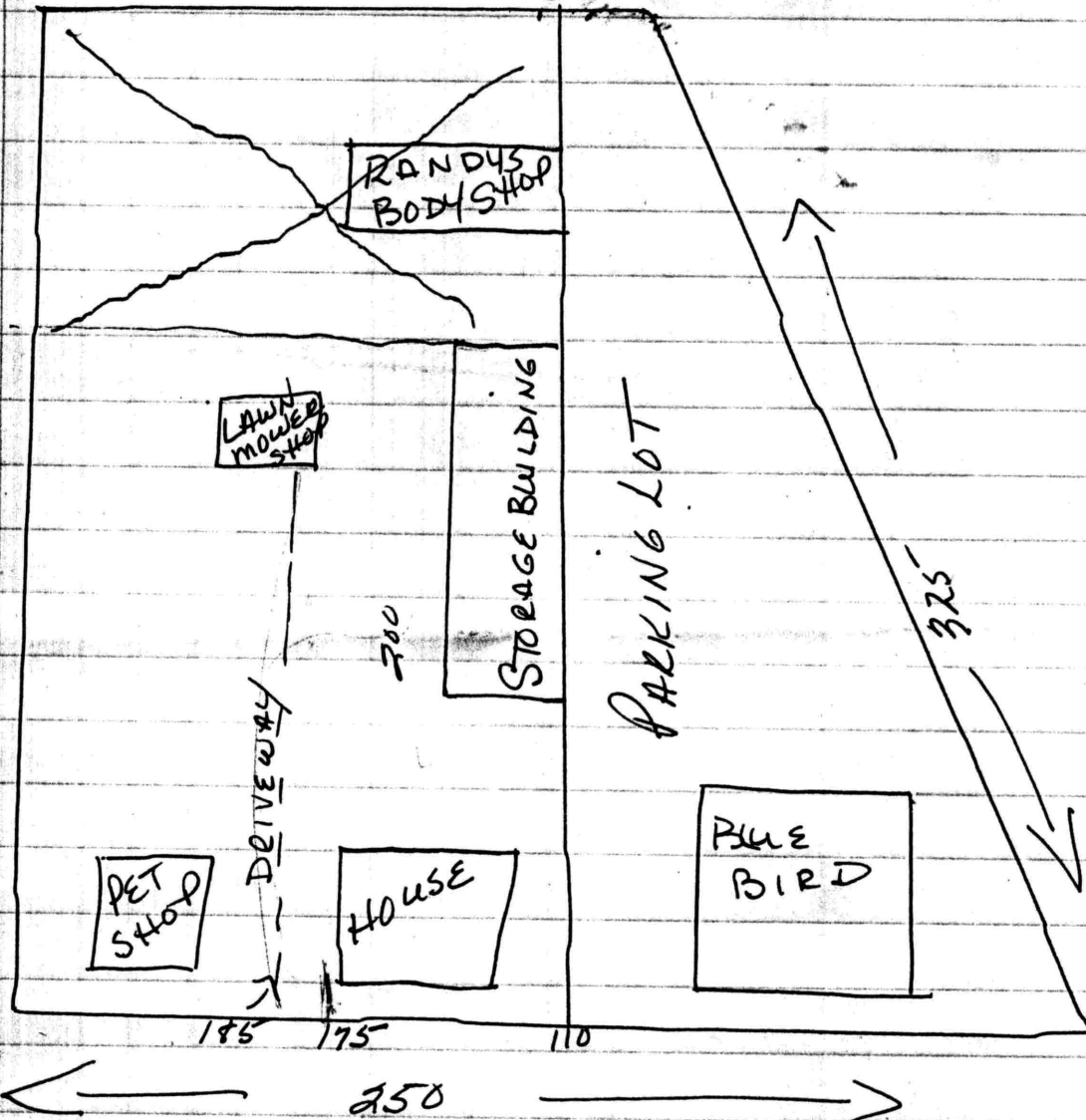
see plot RAS 10/167


$$\begin{array}{r} 92.7 \\ 27.5 \\ \hline 120.2 \end{array}$$

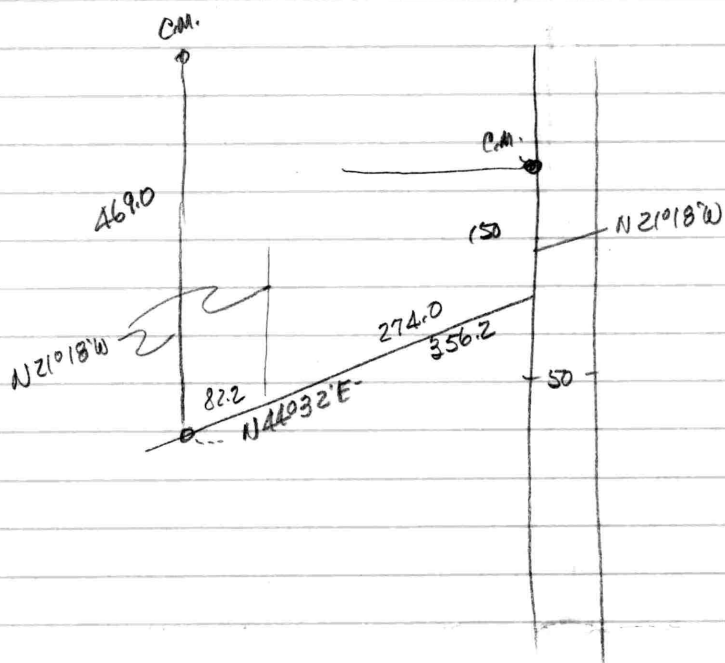
Watkins - WHG 12/563



252.68



Ross- 85/307- see plat WH640/323



92.7
20.5
120.2

November 22, 1994

Mr. Larry J. Albert
Niles, Barton & Wilmer
111 S. Calvert St.
Baltimore, Md. 21202-6185

Dear Mr. Albert:

Several weeks ago I met with Mr. Paavola to inspect the area between the property of Schaubert and Chauvenet and that of Watkins Auto Supply. The hole in question had long since been filled in. Mr. Paavola had photographs showing some one standing in a hole, taken from various angles.

It is possible to stand on the marker in the front corner of the two properties and sight the rear marker on the division line. By doing so, and inspecting the photographs, I have concluded that the hole shown in the pictures was clearly on the Watkins side of the property line.

Sincerely yours,

NILES, BARTON & WILMER

ATTORNEYS AT LAW

1400 LEGG MASON TOWER

III S. CALVERT STREET

BALTIMORE, MARYLAND 21202-6185

410-783-6300

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CABLE ADDRESS NILWO
TELEX 87-469-NILES LAW
EASY LINK 62927328
TELECOPIER 410-783-6363

WRITER'S DIRECT NUMBER

(410) 783-6340

November 17, 1994

Mr. William R. Nuttle
Post Office Box 371
Chestertown, MD 21620

RE: Tennyson vs. Watkins, et al
Civil Action No. S-94-2173
Our File: 35206

Dear Mr. Nuttle:

I represent Defendants Chauvenet and Schaubert in the above case involving Plaintiff's claim for injury on May 21, 1993, when she allegedly slipped and fell into a hole on property in Chestertown.

My principal, Old Guard Mutual Insurance Company, engaged your services for a survey in September, 1994. I proposed to counsel in the case, by letter of October 17, 1994, that we meet with you in Chestertown, with Ms. Tennyson, to identify the property on which she fell. I never received a response from counsel to that proposal.

However, I received a letter from Plaintiff's attorney, Mr. Paavola, dated October 31, 1994, copy enclosed, in which he advised that he had met with you on October 26, 1994 to inspect the properties. Please note his comment, with reference to you, that "he and I agreed that the hole which was involved in this occurrence is on the property of Watkins Auto Supply Company, Inc."

At the direction of Old Guard's adjuster, Ms. Bourassa, I am requesting that you provide me a report of your inspection with Mr. Paavola of October 26, 1994, which report I trust would fix the location on Watkins' property.

Mr. William R. Nuttle
November 17, 1994
Page 2

I would greatly appreciate receiving your report on or before November 30, 1994. Thank you for your consideration. If you have any question, please call me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Larry J. Albert", with a long horizontal flourish extending to the right.

Larry J. Albert

LJA/csm
Enclosure
CC: Old Guard Mutual Insurance Company

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SAMUEL H. PAAVOLA, P.A.
MATT M. PAAVOLA, P.A.

BALTIMORE COUNTY
2113 OREMS ROAD
BALTIMORE, MD 21220-4119
(410) 574-8000

October 31, 1994

Larry J. Albert, Esquire
Niles, Barton & Wilmer
Legg Mason Tower - 14th Floor
111 S. Calvert Street
Baltimore, MD 21022

Re: Tennyson v. Watkins Auto Supply, Inc., et al.
Case No.: S94-2173

Dear Mr. Albert:

Enclosed you will find three discovery pleadings each directed to Marc Chauvenet:

- 1) Interrogatories;
- 2) Request for Production of Documents; and
- 3) Request for Admission of Facts.

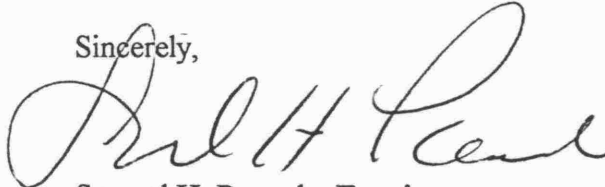
Also, the purpose of this letter is to advise you that I met with Mr. Nuttle on Wednesday, October 26, 1994 at approximately 9:15 a.m. On that date, Mr. Nuttle pointed out to me the dimensions and the shape of the two properties involved. He provided me with a plat of the Chauvenet property.

Of course, I will expect that you will contact Mr. Nuttle directly. However, I can advise you at this point that he and I agreed that the hole which was involved in this occurrence is on the property of the Watkins Auto Supply Company, Inc..

Larry J. Albert, Esquire
October 31, 1994
Page -2-

Please do not hesitate to call if you have any questions concerning this matter.

Sincerely,

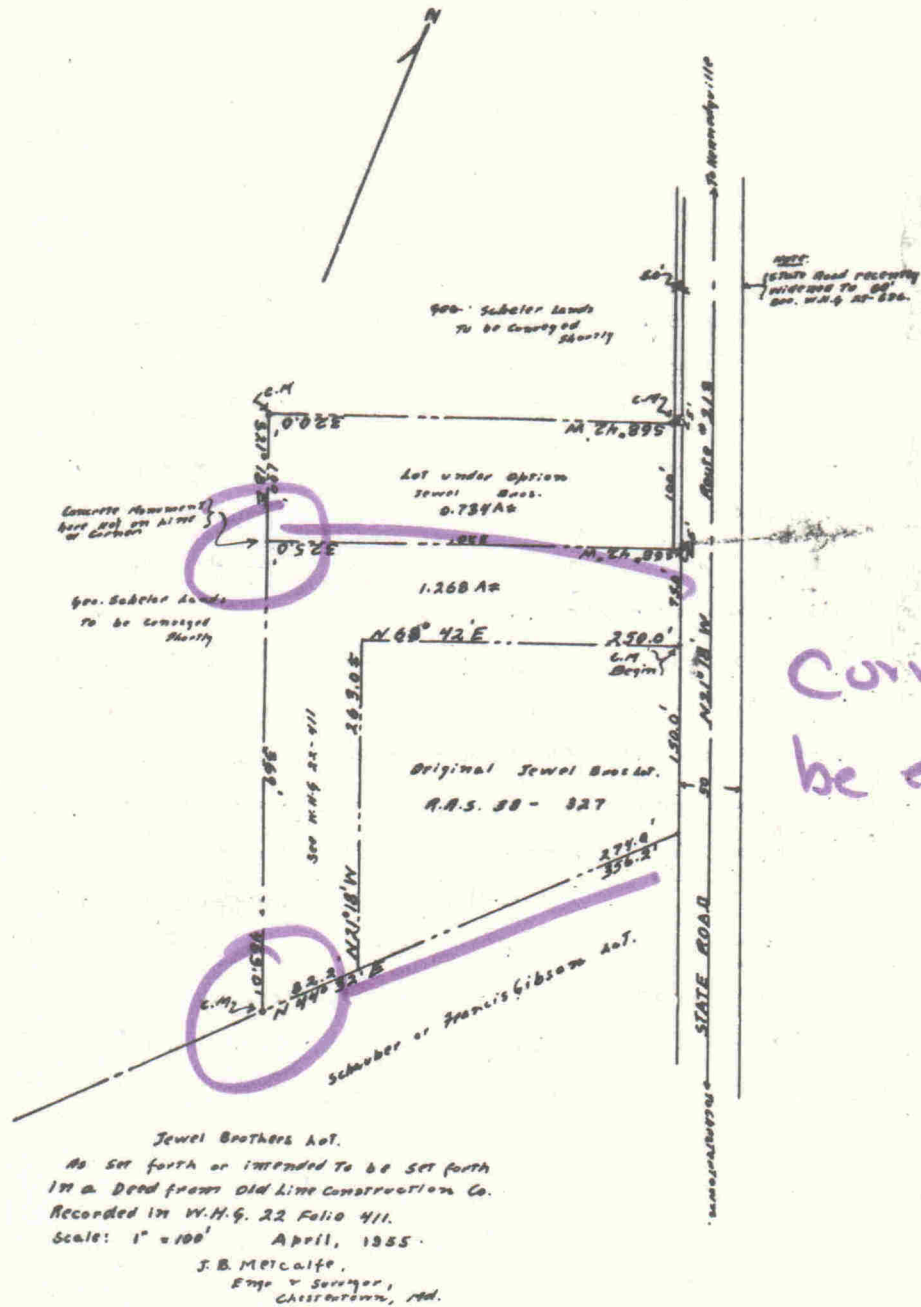
A handwritten signature in cursive script, appearing to read "S. H. Paavola".

Samuel H. Paavola, Esquire

SHP/dlc
enclosure

cc: Michael McGowan, Esquire

C:\CLIENTS\TENNYSON.DOC



And was duly recorded 7/25/55 by

W. Henry Bell

Clerk.